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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,915	11/29/2001	Bhupesh Gupta	AUS920010888US1	6707
46073	7590	12/01/2006	EXAMINER	
IBM CORPORATION (VE) C/O VOLEL EMILE P. O. BOX 162485 AUSTIN, TX 78716			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/997,915

Applicant(s)

GUPTA, BHUPESH

Examiner

Gautam Sain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

- 1) This is a Non Final rejection in response to the Appeal Brief filed on 9/5/2006.
- 2) Claims 1-33 are pending.
- 3) Effective filing date is 11/29/2001.


#### REOPENING PROSECUTION

- 4) In view of the Appeal Brief filed on Sept 5, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

  
Heather R. Herndon  
Supervisory Patent Examiner  
Technology Center 2100

***Claim Rejections - 35 USC § 102***

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5-1) Claims 1-33 rejected under 35 U.S.C. 102(e) as being anticipated by Khan (US 6546393, filed Oct 7, 1999).**

**Regarding independent claims 1, 9, 17, 25 and 33, Khan teaches *determining whether a web page to be bookmarked has been assigned a category on a server; downloading the category if the web page has been assigned a category; creating a sub-folder in the bookmark folder with the category as a name; and storing a bookmark to the web page into the sub-folder* and further for claim 33, creating, if the downloaded category does not already exist as a name of a sub-folder in the bookmark sub-folder on the local computer system, a sub-folder in the bookmark folder on the local computer system with the downloaded category as a name for the sub-folder; and storing the bookmark to the web page into the created sub-folder.** For example, Khan discloses a system for prioritizing server-side user bookmarks by determining whether the submitted link already exists in the directory (col 12, lines 15-20), and determining the right categorization (manually or automatically) and categorized in user created and defined categories and subcategories which may be created into which the site is

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categorized under one of the categories of the site directory (col 12, lines 31-62). A user is permitted to make their own custom categories under which to add favorite sites (col 12, lines 62-67) according to some knowledge of the theme and/or subject of the bookmarked site by adding subcategories (col 13, lines 1-15). Khan discloses creating dynamic interactive web directories where dynamic implies additions to the basic categorization structure, which is equivalent to the claimed invention including creating sub-folders and storing bookmarks into the sub-folder (col 13, lines 5-15). The claimed downloading is broadly interpreted to include a user's knowledge of a theme and/or subject and the user manually creating a subcategory as the downloading is complete from user's knowledge to the directory manually on the computer system. Khan teaches both, manual or automatic categorization of bookmarks (col 11, lines 58-61).

**Regarding claims 2, 10, 18 and 26,** Khan teaches where there already exists a sub-folder with the category as a name before creating the sub-folder. Khan discloses determination of the right categorization and if it does exist, then ranking to the best category for it to be listed under (col 12, lines 31-44) and creating a sub-category into which the site is categorized to create custom categories (col 12, lines 60-65).

**Regarding claims 3, 11, 19 and 27,** Khan teaches if there already exists sub-folder with the category as a name, the bookmark to the web page is stored into the already existed sub-folder and the sub-folder is not created. Khan discloses that each bookmarked website submitted to the directory is looked up in a generated table of sites that have been ranked in a set of categories using the interest clustering, and if the site

exists in the table, it's ranking is mapped to the best category for it to be listed under (col 12, lines 38-44).

**Regarding claims 4, 12, 20 and 28,** Khan teaches if the web page has not been assigned a category, the web page is stored into a default sub-folder. Khan discloses that the user creates a fresh set of bookmarks in the server prior to populating the categories with any bookmarks during initialization of their bookmark account (col 11, lines 51-58). The examiner interprets these initial categories created by user as the default because they will be the categories that get populated with future bookmarks and eliminating the need for creating a dynamic category or sub-category.

**Regarding claims 5, 13, 21 and 29,** Khan teaches if the web page has not been assigned a category, a note is sent to an administrator of the server requesting that the web page be assigned a category. Khan discloses that if the selected category does not match the category to which the site is mapped, then a notification is generated for manual inspection by the editorial staff (col 12, lines 50-54).

**Regarding claims 6, 14, 22 and 30,** Khan teaches the downloaded category is used as a name to a sub-folder into which the bookmark to the web page is to be moved and the URL is used to differentiate the web page from the web pages that may be in the default sub-folder. Khan discloses dynamic restructuring, where the user has the ability to create their own categories to best identify the location of their bookmarks within the web directory (col 11, lines 17-20). The claimed downloading is broadly interpreted to include a user's knowledge of a theme and/or subject and the user manually creating a subcategory as the downloading is complete from user's knowledge to the directory

manually on the computer system. Khan teaches both, manual or automatic categorization of bookmarks (col 11, lines 58-61).

**Regarding claims 7, 15, 23 and 31**, Khan teaches determining whether there already exists a sub-folder with the category as a name in the bookmark folder before creating the sub-folder. Khan discloses that a fresh set of bookmarks folder in their account that he user may add part or all of the user's bookmarks to the directory (col 11, lines 55-58), where sites can be placed in the best category that it is mapped to (col 12, lines 40-44).

**Regarding claims 8, 16, 24 and 32**, Khan teaches if there already exists a sub-folder with the category as a name, a sub-folder is not created and the bookmark to the web page is moved into the already existing sub-folder. Khan discloses that a fresh set of bookmarks folder in their account that he user may add part or all of the user's bookmarks to the directory (col 11, lines 55-58), where sites can be placed in the best category that it is mapped to (col 12, lines 40-44).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection. The Examiner asserts new rejections under the Khan reference.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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GS 11/24/06

  
Heather R. Herndon  
Supervisory Patent Examiner  
Technology Center 2100